

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 30, 1998 LB 1209

in that area. But where it became clear to us from the hearings that we did have a problem was in the fact that the department simply was lacking and I will say totally lacking, in its power to enforce rules and regulations or to oversee rules and regulations because they simply lacked the personnel in the program to do that. DEQ is currently in a situation where they are overwhelmed by the permitting process and they currently have four people on board to deal with the permitting process. They currently have a number of applications in process sufficient in number in order for them to keep up to really have nine or ten people, nine or ten people dealing with the permitting process alone. They are very short on personnel. In an effort to keep up with the permitting process, they've had all their people working on the permitting process and even borrowed five others from other programs to help with the permitting process. The result has been that there is no regulatory oversight at all in the department presently over the 18 to 20-some thousand livestock operations we have in the state. And so what the committee has sought to do is to put into place to fill out the regulatory structure that we have, to make what we have work, not to create vast new volumes of regulations or rules that have to be followed. Once we got to the question of how you...of getting more people in there to do the job, then we ran into the question of how do you finance that. And then we got to the characteristic debate that you have on environmental matters of whether the cost of regulation should be financed by those being regulated or whether it should be financed by the general public. If it's being financed by those who are regulated, then it's done on the basis of some sort of fee system. And if it's done by the general public, then it's sales and income tax money that's used to finance the system. DEQ indicated to us that to have a viable and good program under the terms of the committee amendment that they needed 12 additional full-time equivalents, 12 additional full-time equivalents, and remember this is to assist in permitting and inspecting and regulating on some kind of regular basis literally thousands of livestock operations across the state. So, in order to get those 12 people, we then had to make some compromises in committee between two competing philosophies of fees versus General Funds. Some of us, and I would put myself in that category, believe that these kinds of regulatory functions should be financed out of fees. This is the way that